

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

MAGDALENA LOZANO,

Plaintiff(s),

vs.

BANK OF AMERICA HOME
LOANS,

Defendant(s).

Case No. 2:09-cv-2052-RLH-PAL

ORDER

(Motion to Strike-#28)

(Motion in Opposition-#29)

(Motion to Demand-#30)

Notwithstanding this case is closed, there is before the Court Defendant's **Motion to Strike Plaintiff's Reply** (#28, filed April 19, 2010), to which Plaintiff filed her **Motion in Opposition to Defendant's Motion to Strike** (#29, filed April 29, 2010), to which Defendant filed its Reply (#31). Plaintiff has also filed a **Motion to Demand this Court Read all Pleadings Defendant Files with this Court, and Adhere only to Constitutionally Compliant Law and Case Law, and More Particularly, the Bill of Rights, in its Rulings** (#30, filed April 29, 2010).

Plaintiff's Motion in Opposition to Defendant's Motion to Strike is, in reality just an opposition to Defendant's motion, rather than an actual motion. However, the Opposition/ Motion does request that an Article III appointed judge hear this case. The undersigned assures Plaintiff that he is an Article III judge, duly nominated by the President of the United States and confirmed by the U.S. Senate. The rest of the Opposition is merely a regurgitation of the arguments made in a number of documents filed by Plaintiff regarding previous motions. Accordingly, the Motion in Opposition will be denied as a motion and considered as an Opposition to the Motion to Strike.

1 Plaintiff's Motion to Demand is frivolous and spurious. Plaintiff has no standing to
2 demand that the Court read all pleadings *Defendant* files with the Court. The Court is not aware
3 that Defendant has any concern that its pleadings are not read. Moreover, this Court has adhered to
4 the law which governs the issues involved in this case. Plaintiff has made no allegations in her
5 complaint that her constitutional rights have been violated, nor has she presented any evidence that
6 her rights under the Bill of Rights have been violated. Her case has been considered and been
7 founding wanting of any claim upon which relief can be granted or any claim justified under the
8 law. The Court needs no response from the Defendant (which precludes Plaintiff from having any
9 right to repeat her arguments in a reply) to address demands addressed to the Court, and will deny
10 the Motion to Demand summarily.

11 The Motion to Strike Plaintiff's Reply (#28) will be granted for the reasons stated in
12 the motion. The Plaintiff's Reply was filed two weeks late. Plaintiff neither sought nor received
13 permission to file the document late. Furthermore, the Reply attempts to argue new issues not
14 raised in the original motion and otherwise only repeats prior arguments against the motion to
15 dismiss, and not in support of a motion for reconsideration (which is what the Reply was supposed
16 to address). Finally, this case is dismissed and the relief she seeks is impossible and the procedure
17 she is attempting to pursue is faulty. Although the Court has read the Reply and discounted its value
18 and merit in ruling on a preceding motion, this motion will be granted and it will be stricken.

19 IT IS THEREFORE ORDERED that Defendant's **Motion to Strike Plaintiff's**
20 **Reply (#28)** is GRANTED.

21 IT IS FURTHER ORDERED that Plaintiff's **Motion in Opposition to Defendant's**
22 **Motion to Strike (#29)** is DENIED.

23 ////

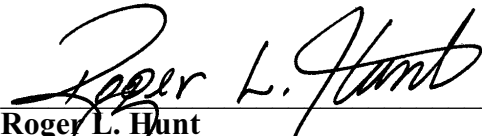
24 ////

25 ////

26 ////

1 IT IS FURTHER ORDERED that Plaintiff's **Motion to Demand this Court Read**
2 **all Pleadings Defendant Files with this Court, and Adhere only to Constitutionally Compliant**
3 **Law and Case Law, and More Particularly, the Bill of Rights, in its Rulings (#30)** is DENIED.

4 Dated: May 12, 2010.

5
6 
7 **Roger L. Hunt**
8 **Chief United States District Judge**
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26